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To: [Traxler, Thomas \(USAVAE\)](#); [Lowe, Amanda \(USAVAE\)](#); [Trump, Jim \(USAVAE\)](#); [Atiyeh, Danya E \(USAVAE\)](#)
Cc: [Gill, Mike \(USAVAE\)](#)
Subject: Fwd: [EXTERNAL] Hatchet Speed Notes
Date: Friday, December 23, 2022 3:50:34 PM

Begin forwarded message:

From: [REDACTED]
Date: December 23, 2022 at 3:48:58 PM EST
To: "Song, Maya (USAVAE)" <msong@usa.doj.gov>
Subject: [EXTERNAL] Hatchet Speed Notes

Hi Maya,

I appreciate your giving me your email address when I called to talk about my experience being on the Hatchet Speed jury. There are a few observations I wanted to relay to the prosecutors.

First, none of the jurors had ever held or seen a silencer or a patch trap (all of our knowledge of what silencers look and work like comes from movies). It would be really helpful to have at least one, but preferably a few, silencers to show the jurors to demonstrate the similarity to the solvent traps in question. Additionally, 5 or 6 jurors had cleaned guns, but no one had used any sort of patch or solvent trap to clean the guns. In the expert report, it seems like there is a real device that is used known as a patch trap, but no one knew what that looked like or how a patch trap is used, so it's very hard to figure out whether the device we're being shown could reasonably work as a patch trap, or it's no better as a patch trap than it is as a cup (ie, I guess technically it could be used that way, but it doesn't really make any sense). Again, it would be useful to be able to see a patch trap to compare to these solvent traps.

A tripping point for the jurors was figuring out the definition of a silencer. My first perspective was that I didn't worry about the legal definition of a silencer because congress has passed a law that allows the ATF to classify what is and is not a silencer, and we have to follow the laws, so it's a silencer (maybe this is correct, maybe it's not correct, I'm still not sure). I said this many times and most people were unconvinced, and pointed out that we had two instructions telling us to consider the definition of a silencer. The instructions on the definition of a silencer given by the judge are really hard to parse -- I don't have great grammar, but there are a lot of commas and clauses and it's quite tricky to figure out what parts of the sentence are adding extra things to the definition vs what parts of the sentence are required for all silencers. I wanted a Venn diagram to understand the definition!

I believe from what the ATF expert said that a silencer is something that makes a gunshot quieter and has no other use (for example, a tiki torch is not a silencer

even though it could work as a silencer, but a solvent trap is a silencer because it doesn't have any other legitimate use). If that is the correct definition, then it would be helpful to spend more time explaining why this solvent trap doesn't work well as a gun cleaning device. The fact that no one tried to use the devices to clean a gun and demonstrate how ineffective they were for that purpose was probably the single biggest obstacle for the jurors who believed not guilty.

At least half the jurors complained about the attitude of the expert from the ATF - that she often rolled her eyes at the questions from the defense and generally seemed closed-minded, which made people less likely to believe her (I personally didn't mind her attitude, but I work with a lot of arrogant people). I think it's fine for her to say that firing a gun with the device attached would be a terrible idea and maybe explode the device, and no one will hold that against her because then you just point to the part of the definition of a silencer that it doesn't have to work. Since she did not convince everyone, it might be helpful to take the devices to any sort of gun expert outside the ATF and without telling them about the case, ask them about whether the devices were or were not reasonably used to clean a gun.

I'm not sure whether the claimed difference between a patch trap and a solvent trap is that the gun cleaning fluid is recycled, but if it is, again, it would be helpful to talk more about the idea of recycling gun cleaning fluid and highlight how ridiculous the idea would be. This was definitely mentioned by the prosecutors, but it was somewhat lost in the other testimony (most jurors did not remember it).

Similarly, I think the patents for a silencer are one of the most convincing parts of the evidence. We found them in the binder, but it would be really helpful if the prosecutors put up the patents during the trial and talked about the parts of a silencer and showed it juxtaposed with the devices owned by Hatchet.

The ATF expert mentioned that the devices owned by Hatchet showed a reduction in gunshot sound of 20 dB, but none of us knew anything about the expected reductions in sound. It would be helpful to have a distribution plot showing the reduction in dB of commercially available silencers, along with Hatchet's devices, a tiki torch and a pillow, all to illustrate that this device is much more effective than other household items that are not silencers.

I think that it's fine to highlight the links to Jan 6 and the high number of guns Mr Speed bought in the six months afterwards, but it's probably not a major part of the case, which remains the taped conversations and then the testimony on whether those devices were silencers. No one found the testimony of Mr Ngo to add value to the case, for example. Also going line by line through the legal gun purchases made by Mr Speed did not add much, and again distracted from the major points.

I appreciate your reading all this feedback! I have never been on a jury before and after paying attention and not talking about the case to family while it was happening, I ended up caring a lot more than I would have expected beforehand. If this email ends up getting forwarded along to the court or to the defense, I would strongly prefer that my name is redacted to ensure my safety.

Thank you,

[REDACTED]